

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ERIC CHRISTIAN,  
Plaintiff(s),  
v.

UNITED STATES OF AMERICA,  
Defendant(s).

Case No. 2:24-cv-01160-JAD-NJK

**REPORT AND RECOMMENDATION**

District courts have the authority to dismiss cases *sua sponte* without notice when the plaintiff “cannot possibly win relief.” *Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 638 (9th Cir. 1988). A complaint should be dismissed for failure to state a claim upon which relief may be granted “if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claims that would entitle him to relief.” *Buckey v. Los Angeles*, 968 F.2d 791, 794 (9th Cir. 1992). A complaint may be dismissed as frivolous if it is premised on a nonexistent legal interest or delusional factual scenario. *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). Moreover, “a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). When a court dismisses a complaint, the plaintiff should be given leave to amend with directions as to curing its deficiencies, unless it is clear from the face of the complaint that the deficiencies could not be cured by amendment. *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995). “When a case may be classified as frivolous or malicious, there is, by definition, no merit to the underlying action and so no reason to grant leave to amend.” *Lopez v. Smith*, 203 F.3d 1122, 1127 n.8 (9th Cir. 2000) (en banc).

1 Plaintiff's amended complaint alleges that he was awarded "summary judgment" in his  
2 criminal prosecution in the Central District of California, Docket No. 4 at 4-5, as well as a  
3 "forfeited summary judgment" in a civil suit in this District, *see id.* Plaintiff also raises numerous  
4 other allegations, including related to a car replacement and tow, that a California state court ruling  
5 was actually an act of identity theft, that his criminal sentence was actually an injunction involving  
6 a celebrity, that his jury trial in Nevada state court was a *Miranda* violation, that he is owed relief  
7 under the Nevada victim compensation fund, that local police "trashed" his intellectual property,  
8 and that Black Doll Inc. falsified documents to defame him. *See id.* at 6-7. Based on these  
9 allegations, Plaintiff seeks \$2,135,000,000 from the current United States Attorney for the District  
10 of Nevada. *See id.* at 5. In light of the delusional factual scenario and nonexistent legal interest at  
11 issue, Plaintiff's complaint is appropriately dismissed.

12 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** with  
13 prejudice.

14 Dated: September 4, 2024

15   
16 Nancy J. Koppe  
17 United States Magistrate Judge

18 **NOTICE**

19 This report and recommendation is submitted to the United States District Judge assigned  
20 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and  
21 recommendation must file a written objection supported by points and authorities within fourteen  
22 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file  
23 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951  
24 F.2d 1153, 1157 (9th Cir. 1991).